

V

RICK THALER

On the State Court
Southern District of Texas
FILED

Case 4:12-cv-01683

MAY 21 2013

Clerk of Court

May 15, 2013

Dear Clerk:

Please find (2) Letter's enclosed.(1) To Patrick F.McCann and (1) to Casie L.Gotro,Both letter's are advising my attorney's that they are Discharged as my attorney's and no longer represent me Per Rule 1.15 of the State Bar of Texas rules.Also,there is a Greivance filed on Patrick F.McCann .

Please file the enclosed document's in the above said case number.

THANK YOU FOR YOUR HELP IN THIS MATTER.

RESPECTFULLY,

WILLIAM D. IRVAN.

PATRICK F. McCANN

May 15, 2013

Dear Mr. McCann:

Today I have filed a Grievance on you for violation of Rule 1.01, Rule 1.03 and Rule 1.05. I am also Telling you that you are **DISCHARGED AS MY ATTORNEY. Per Rule 1.15. and Withdraw is Mandatory. This is Per Rule 1.15 a) 3. 8.** This apply's to Both my 2254 Federal Appeal and my DNA Issue.

You should withdraw as soon as you get this letter. I am putting a copy in with your græivande and to the U.S. DISTRICT COURT. I also would like a copy of the Motion in both cases 4:12-cv-01683 and 864928.

Asaof today you are no longer my attorney and I ask that you no longer file ANYTHING in my case.

CC
STATE BAR OF TEXAS
U.S. DISTRICT COURTY

William D. Irvan

CASIE GOTRO

MAY 15, 2013

Dear Ms. Gotro:

I am writing you to tell you that Per Rule 1,15 You are Discharged and Withdraw is Mandatory. You are no longer my attorney. Please file a motion to withdraw in both cases .My Federal Appeal and my DNA Motin. Please provide me with a copy. As of today you are no longer my attorney. If ~~you~~ do not withdraw as soon as you receive this letter. By May 24, 2013. I will file a Greivance on you for many Violation's. I do not want to do that Ms. Gotro. I really like you and I do not understand WHY you allowed all the things that YOU found and told me would be in my Federal Appeal, be left out and I lost all of my NEW ISSUES that show so much ??? I just do not understand that Casie... I have filed a Greivande on Mr. McCann and instructed him to withdraw. I am also asking you to PLEASE send my Legal Work back. You and Victoria know what it is. If I do not get it back by the 25th of this month. I will have to file on you for that.

CC

William D. Irvan

U.S DISTRICT COURT

State Bar of Texas
If I have to file a Greivance.

**OFFICE OF THE CHIEF DISCIPLINARY COUNSEL
STATE BAR OF TEXAS
GRIEVANCE FORM**

I. GENERAL INFORMATION

Before you fill out this paperwork, there may be a faster way to resolve the issue you are currently having with an attorney.

If you are considering filing a grievance against a Texas attorney for any of the following reasons:

- ~ You believe your attorney is neglecting your case.
- ~ Your attorney does not return phone calls or keep you informed about the status of your case.
- ~ You have fired your attorney but are having problems getting your file back from the attorney.

You may want to consider contacting the Client-Attorney Assistance Program (CAAP) at 1-800-932-1900.

CAAP was established by the State Bar of Texas to help people resolve these kinds of issues with attorneys quickly, without the filing of a formal grievance.

CAAP can resolve many problems without a grievance being filed by providing information, by suggesting various self-help options for dealing with the situation, or by contacting the attorney either by telephone or letter.

I have _____ I have not XX contacted the Client-Attorney Assistance Program.

NOTE: Please be sure to fill out each section completely. Do not leave any section blank. If you do not know the answer to any question, write "I don't know."

II. INFORMATION ABOUT YOU -- PLEASE KEEP CURRENT

1. TDCJ/SID # 999472 ☒ Mr. ☐ Ms. Name: Mr. William D. Irvan
Immigration # _____

Address: 3872 FM 350 South, Livingston, Tx. 77351

City: Livingston State: Texas Zip Code: 77351

Have you or a member of your family ever filed an appeal with the Board of Disciplinary Appeals about this attorney?

Yes ___ No XX If "yes," please state its approximate date and outcome.

4. Please check one of the following:

- XXX This attorney was **hired** to represent me.
This attorney was **appointed** to represent me.
This attorney was hired to represent **someone else**.

Please give the date the attorney was hired or appointed. November 14, 2011

Please state what the attorney was hired or appointed to do. Be my 2254 Federal Habeas Attorney.

5. What was your fee arrangement with the attorney? Court Appointed

How much did you pay the attorney? I do not know.

If you signed a contract and have a copy, please attach.
If you have copies of checks and/or receipts, please attach.
Do not send originals.

6. If you did not hire the attorney, what is your connection with the attorney? Explain briefly
Court Appointed

7. Are you currently represented by an attorney? Him and Ms. Gotro
If yes, please provide information about your current attorney: Patrick F. McCann & Casie Lynn Gotro.

8. Do you claim the attorney has an impairment, such as depression or a substance use disorder? If yes, please provide specifics (your **personal** observations of the attorney)

Also, please be advised that a copy of your grievance will be forwarded to the attorney named in your grievance.

Violation of Rule 1.03

Patrick F. McCann was appointed to file my 2254 Federal Writ. He was appointed on 11/14/2001. (See Exhibit A) It is a copy of the Docket from my Miss Docket. Case 4:11-mc-00293. Also, on Exhibit A Docket # 27, is my first letter to Mr. McCann. It is dated 12/14/11. I found out for someone else that he was appointed. He never told me he was. After I wrote this letter I never heard from Mr. McCann. I waited over 2 month's, until he showed up here. On January 23, 12. When he showed up. He knew Nothing about my case. Would not let me tell him anything about my case. See docket # 31 Exhibit B. Motion to remove Mr. McCann. After Mr. McCann came that day. I wrote him at least 7 Letter's with no response. See Docket # 35 on mc Docket. See EXHIBIT C, it is the Docket sheet from Case # 4:12;cv-01683. Same case Different #. See Exhibit D, Docket # 7, EXHIBIT E, docket 8. EXHIBIT F, Docket 13. On this letter I ask him to Please answer My Question's. He never responded to this or any of this letters or letter's I sent not in the docket. He also does not file these issues. In docket 17, Exhibit G, I again tell him that I asked him question's in docket 13, He still did not respond. On page 4, I ask

V. HOW DID YOU LEARN ABOUT THE STATE BAR OF TEXAS' ATTORNEY GRIEVANCE PROCESS?

- ☐ Yellow Pages
- ☐ Internet
- ☐ Other

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Mr. McCann to provide me a copy of the Amended Petition BEFORE it is filed. I never hear from him. I also asked him to tell the Judge why I can not get a response from him. What is going on, why I do not get copy's of anything filed in my case. He never responds. See Exhibit I, docket #25. McCann get's a copy of everything filed in the docket. Here I tell the Judge that he and Ms. Gotro have not responded to me in many month's. I have not heard from him since November 14, 2013. 9. In Case 4:11-mc-00293. Dated March 2, 2012, Exhibit J. I tell him and Ms. Gotro that I have written many letter's with no response. It is Docket 34... In docket 35, Exhibit K. I tell him what RULE 1.03 a) STATES. This was on April 6, 2012. It is OBVIOUS he does not care about Rule 1.03 and is Clearly in VIOLATION OF THIS RULE. As of today May 15, 2013. I still have not heard from him or received the Amended Petition or anything filed in my case.

RULE 1.01 VIOLATION.

Every Motion that Mr. McCann has filed has been Factly wrong. He has stated wrong Law and made statements that were wrong. It seem's that he is in WNY over his head and over worked.

In McCann's first motion filed in my case. Base 4:11-mc-00293, docket 28, Exhibit L. He files a Motion for Administrative Stay. To test the DNA. I had NOT filed my Habeas Petition. As you see he tell's the court I have and the court respond's. BUT IRVAN HAS NOT FILED A HABEAS Petition and can not get a stay, until a habeas is filed. If you look at Exhibit B, I stated in that motion to remove him. He came here and did not know anything about my case. I only had (4) Month's to file my 2254 Federal Petition and he knew NOTHING about my case. He would not let me tell him anything about my case. He kept telling me that he only wanted to get a stay on DNA. Well as an attorney, he should know that you can not get a stay in federal court, Before you file you Writ. Then I file a Motion for more time @ Exhibit A, page 5. Docket 32. They will not file one and I know that I am introuble. It is denied and then he files one. Docket 43, Exhibit M. He states that Danny Easterling filed something in my case. He did not, Then he states that I should get 150 Day's. Then he quotes incomplete sites. Then he states I have lost 6 month's, Then say's I lost 130 Day's. Then he tell's the court that my petition is due November 4. It is due June 12. I loose it and do not get anymore time. Then he files @ docket 37, Exhibit N, a motion for Investigative Assistance to go back on and Innocence Claim. The court tells him that he has to give them a REASONABLE NECESSARY. He comes back and tell's them the same thing and I am denied again. All he had to do is tell them WHAT he needed the money for. He would not tell them. See Exhibit O. He is eather over worked or does not know what he is doing, But it is Killing me... After McCann came that (1) time he would not come anymore. So, My other attorney came and told me she would talk to me and then talk to him. It is one attorney's responsibility to know what the other know's and he is my Lead Attorney. So, everything fall's on his shoulder's... When Ms. Gotro came she told me that they found ALOT of stuff. It is all in a time line in my writ. She told me that they were filing Actual Innocence Claim, IAC on my 11:071 Attorney's, Martinez Issues on them, Brady Violation's that they found while going through the DA's file, Prosacutor Misconduct on stuff that they found while going through the DA's filed. See Docket 26, Exhibit P. There are (20) different letter's there. 1 is to Ms. Gotro and the other is to another attorney. They both state what Ms. Gotro told me would be in my petition. NONE OF IT WAS FILED IN MY WRIT. There is no sound reason that an attorney would not file on MY Best Issues and Ms. Gotro told me that they were my best issues. This shows total disregard for my life and my case. I do believe that this is a Violation of Rule 1.01 He FAILS TO SHOW COMPENT AND DILLGENT REPRESENTATION.

McCann filed my 2254 Writ in less than (4) Month's. It is 117 page's long and has over 100 Exhibit's. If you read the writ. My 3 Issue is not talked about in my writ, ~~On~~ Issue tell's you to go to 7 and when you do. It has nothing to do with that Issue. Some Issues do not ask for relieve. He put 100 Exhibit's and does not number or letter them. The first Exhibit listed is DEDEEE HUGHES. It is the 87 Exhibit. So, you go through 87 of them, then go back to redding the writ and have to look through maybe 90-more to find the next Exhibit. He is CLUELESS.... Then we get 8 month's to file an amended petition and 7 day's before it is due. He files a motin for more time. His motion is PERFICT. Then he files my petition and it has (5) SMALL ISSUES .NONE OF WHICH WE TALKED ABOUT OR I WAS TOLD WOULD BE IN THE PETITION...IS HE OVER WORKED OR INCOMPETENT ? I WOULD SAY BOTH FROM ALL HIS FILEINGS. SEE EXHIBIT Q.

He Clearly is in Violation of Rule 1.01.

VIOLATION OF RULE 1.05 Confidentiality of Information.

I had been told that McCann had told another inmate here that he represent's some thing's about my case. But just let it go. Then on October 12, 2012. McCann came here for the 2nd time. He was only here for 10, minutes, but he and I kind of got in to it about my Abandonment Issue. he would not let me tell him about it. He was telling me about how I got Jerome Godinich off my case. Well, when I got back to my cell. I was told by 2 other inmates that that same inmate, who had just came from seeing McCann, told them the same thing McCann just told me about my case. He told me some stuff that scared me to death. At that time I know I was in trouble and he was out to hurt me. I asked the Inmate and he said yes McCann told me that about your case. How can an attorney who is suppose to fight for your life tell someone thing's to hurt you? Now I have someone that has states that he is going to write my DA and also if I get action in my case. He will make sure I do not! **THIS IS A CLEAR VIOLATION OF RULE 105.**

I THINK THIS MAN IS OVER WORKED AND DOES NOT KNOW WHAT HE IS DOING IN DEATH PENALTY CASES. HE SHOULD NOT BE WORKING ON AN ACTUAL INNOCENCE CASE AT ALL AND ESPECIALLY AFTER HE STATED IN THE HOUSTON CHRONICLE HE DOES NOT FILE ACTUAL INNOCENCE CLAIMS.

Enclosed is a letter to Mr. McCann advising him that He is no longer my Attorney **PER RULE 1.15** of the Texas Disciplinary Rules of Professional Conduct. He is **DISCHARGED**. Per Rule 1.15, ~~Withdraw~~ is Mandatory and this is for My 2254 Federal Appeal and anything to do with my case and also, goes for my DNA Issue Cause # 864928. You are no longer my attorney.

~~XX~~

William E. Irvin

CC
U.S. District Court.

WILLIAM IRVAN 999472
3872 FM 350 South
Livingston, Tx. 77351

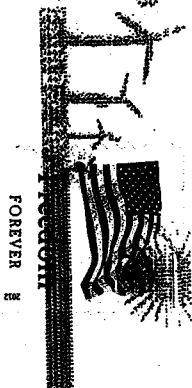
United States Courts
Southern District of Texas
FILED

MAY 21 2013

Debra L. Brockway, Clerk of Court

U.S. DISTRICT COURT
Southern District of Texas
Houston Division
Attn: Clerk of Court
515 Rusk
Houston, Tx. 77002

NORTH HOUSTON TX 773
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Legal Mail

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